

June 30 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court No. DA 09-0682

FILED

JUN 30 2010

Ed Smith

CLERK OF THE SUPREME COURT
STATE OF MONTANA

Lower Court Cause

No. BDV 2008-956

Honorable Jeffrey Sherlock

JEANETTE DIAZ, LEAH HOFFMANN-
BERNHARDT, RACHEL LAUDON,
individually and on behalf of others
similarly situated,

Plaintiffs/Appellants,

vs.

BLUE CROSS AND BLUE SHIELD OF
MONTANA, NEW WEST HEALTH
SERVICES, MONTANA COMPREHENSIVE
HEALTH ASSOCIATION, STATE OF
MONTANA, AND JOHN DOES 1-100,

Defendants/Appellees.

APPELLANTS' MOTION FOR ADDITIONAL WORDS FOR REPLY BRIEF

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Pursuant to Mont.R.App.P. 16, the Appellants move the Court to extend the word limit of their reply brief. The basic situation necessitating this motion is summarized below.

The Appellants have filed their opening brief. There are three Appellees, however, and each have filed separate full length answer briefs. To address the many issues, the Appellants' reply will necessarily require more than the 5,000 words authorized for reply briefs under Mont.R.App.P. 11(4)b. The rules are silent on whether or not separate reply briefs are authorized where there are multiple Appellees. The Appellants are not requesting separate replies, believing they can address all contentions through a single brief, albeit with a page extension.

Therefore, given the fact that the Appellants are replying to three answer briefs, they request that the Court extend the length of their reply to 10,000 or in other words, the page limit of an opening or answer brief. Appellants will make every effort to shorten their reply under this limit and still meet the contentions raised by the Appellees.

The reply brief is due on July 9, 2010.

A proposed order and other filings required under Rule 16, *supra* have been submitted herewith.

The attorneys for the Appellees have been notified and indicate they will not object to this request.

RESPECTFULLY SUBMITTED this 30th day of June, 2010.

THUESON LAW OFFICE

A handwritten signature in black ink, appearing to read 'E. Thueson', written over a horizontal line.

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CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of June, 2010, I served true and accurate copies of the foregoing document upon counsel of record by the following means:

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